

### REMARKS

The applicants have studied the Office Action dated February 13, 2004. It is submitted that the application is in condition for allowance. Claims 1, 7, 13 and 19 have been amended and claims 2, 8, 14 and 20 have been canceled without prejudice or disclaimer. Reconsideration and allowance of all of the claims in view of the following remarks are respectfully requested.

Claims 1, 3, 4, 5, 13, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Katol et al. (US Patent 6,263,202)

Claims 2, 6, 14, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 6,263,202) in view of Maquaire et al. (US 2002/0107049).

Claims 7, 9, 10, 11, 12, 11, 19, 20, 21, 22, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 6,263,202) in view of Ehara (US Patent 6,665,547).

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 6,263,202) in view of Ehara (US Patent 6,665,547) and further in view of Maquaire et al. (US 2002/0107049). These rejections are respectfully traversed.

The amended claim 1 recites "wherein the voice-recognition engine is further configured to interpret the audio-data as matching a selected one of a set of commands, the system further comprising a processor to execute the selected command." Other claims recite a similar language.

The Examiner states that the Kato reference fails to teach that the voice-recognition engine is further configured to interpret the audio-data as matching a selected one of a set of commands. (See page 5-6 of the Office Action) The Examiner further states that Maquaire teaches a voice-recognition engine that is further configured to interpret the audio-data as matching a selected one of a set of commands.

However, it is respectfully submitted that the Maquaire reference cannot be a prior art under 35 U.S.C. 102. The Maquaire reference was filed on February 8, 2001. However, the applicants disclosed their invention to their counsel on August 5, 1999. As a result, the Maquaire reference cannot be a prior art reference under § 102. A Declaration Under 37 C.F.R. § 1.131 is enclosed to support this fact. Therefore, it is respectfully submitted that the rejections under 35 U.S.C. §§ 102 and 103(a) are now moot and that the rejection of claims 1-24 under 35 U.S.C. §§ 102 and 103(a) should be withdrawn

990517; 09/847,474

If there are any fees due in connection with the filing of this response, please charge such fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for, such an extension is requested and the fee should also be charged to our Deposit Account. A duplicate copy of this page is enclosed.

Respectfully submitted,

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